

### **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-35 in the Application. Previously, the Applicants amended Claims 1, 5, 6, 12-14, 17 and 27 and cancelled Claims 2-4, 7-11, 15-16, 18-26 and 28-35 without prejudice or disclaimer. In the present response, the Applicants have amended Claims 1, 12, 17, and 27 and have canceled Claims 5-6 without prejudice or disclaimer. The Applicants have added dependent Claims 36-45. Support for the present Amendment can be found at least in FIG. 3 and on page 8, lines 10-20; page 10, lines 16-24; page 6, lines 26-29; and on page 7, lines 27-29 of the present Application. Accordingly, Claims 1, 5, 12-14, 17, 27 and 36-45 are currently pending in the Application.

#### **I. Rejection of Claim 17 under 35 U.S.C. §103**

The Examiner has rejected Claim 17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,126,588 B2 to Oakley ("Oakley"). The Applicants respectfully disagree in light of the foregoing Amendment.

The Examiner cites to FIG. 12, and col. 9 lines 57-65 of Oakley for disclosing a first closed position wherein the second surfaces of the first and second housings, respectively, face each other such that, in the first closed position, the first user interface is accessible. (*See Examiner's Action*, page 3.) The Examiner further cites to col. 9, lines 65-67, of Oakley for disclosing a second operational mode when in the first closed position in which the first user interface is active and the second user interface is inactive. (*See Examiner's Action*, page 3.)

However, the cited passages do not appear to disclose or suggest Claim 17 as currently amended and clarified, wherein the first housing includes a first user interface comprising an *output-only* display disposed in the first surface of the portable communications device. Additionally, the “second active mode” identified by the Examiner in Oakley does not appear to teach or suggest a “standby” mode as recited in amended Claim 17. Instead, the cited passages of Oakley recite a “fully active” display area. (*See* Oakley col. 9, lines 57-67.) This “fully active” area of Oakley *accepts user input* or can display output. (*See* Oakley, col. 4, lines 20-32). This is unlike Claim 17 as currently amended, which recites a “*standby mode*” in the second position.

As such, the pending rejection does not provide a *prima facie* case of obviousness of amended Claim 17 and its dependent claims. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103 rejection of Claim 17 and its dependent claims and allow issuance thereof.

## **II. Rejection of Claims 1, 5-6, 12-14 and 27 under 35 U.S.C. §103**

The Examiner has rejected Claims 1, 5-6, 12-14 and 27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,197,332 B2 to Andersson, *et al.* in view of Oakley. The Applicants respectfully disagree in light of the foregoing Amendments.

Anderson is generally directed to a multi-function two panel electronic device with 360 degree relative motion. Particular functions are correlated to panel orientations, which purportedly ergonomically suit the selected functions. (*See* Abstract.) The Applicants have not found, however, within the cited portions of Anderson a second closed position as claimed in independent Claim 1

in which a first user interface is active and the second user interface is inactive. Therefore, Andersson is an inapposite reference.

Additionally, the Examiner recognizes that Andersson fails to disclose a first closed position, a standby mode of operation, of an interface in which the first user interface is *inactive*, and a second user interface is accessible. (*See* Examiner's Action, page 6; emphasis added.) To cure these noted deficiencies of Andersson, the Examiner cites to Oakley. The Examiner contends that Oakley discloses: "a first closed position mode of operation that allows the user interfaces to be accessible in a standby mode as claimed (Figures 11 and 12 and please see the rejection Claim 17 above.)" (*See* Examiner's Action, page 6.)

The Applicants respectfully disagree with the Examiner in view of amended Claim 1. As currently claimed in amended independent Claim 1, a second closed position correlates to a "standby" mode, and a display is "fully accessible." (Emphasis added.) In Fig. 11 of Oakley, however, the display is not "fully accessible", as is claimed in Claim 1. Instead, FIG. 11 of Oakley refers to an embodiment wherein the keyboard housing 1111 blocks a section of a display device 1113, allowing only a portion of the display, display area 1114, to be visible and interactive.

Nor does FIG. 12 of Oakley compensate for the deficiencies of FIG. 11 of Oakley. As discussed during the prior analysis of amended independent Claim 17, Claim 1 also similarly comprises a first user interface comprising an *output-only* display being provided at a first surface of a portable communications device. In Oakley, the display 1214 can *also* be used to transmit user input when Oakley has an uncovered, fully active display area 1214. (*See*, generally, Oakley,

col. 6, lines 43-56.) This is unlike Claim 1 as currently amended, which recites an “output-only display.”

As such, the pending rejection does not provide a *prima facie* case of obvious of amended Claim 1 and its dependent claims. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103 rejection of Claim 1 and its dependent claims and allow issuance thereof.

### **III. Comment on Cited Reference**

The Applicants reserve further review of the reference cited but not relied upon if relied upon in the future.


#### IV. Conclusion

In view of the foregoing Amendment and remarks, the Applicants now see all of the Claims currently pending in this Application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1, 5, 6, 12-14, 17, 27 and 36-45.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present Application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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